

Peru (Tier 2)

The Government of Peru does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Peru remained on Tier 2. These efforts included opening four new specialized anti-trafficking prosecution offices, hiring more anti-trafficking police, and referring 96 girls to specialized government shelters for child trafficking victims. The government passed legislation strengthening compensation provisions for trafficking victims, and it increased training for prosecutors and judges. However, the government did not meet the minimum standards in several key areas. Authorities prosecuted and convicted fewer traffickers than in the previous reporting period, and services for adult victims, boys, LGBTQI+ individuals, and labor trafficking victims remained inadequate. Although authorities opened several investigations into public officials for alleged complicity in trafficking crimes, the government did not prosecute or convict any complicit officials. The government cut its budget for anti-trafficking activities for a third consecutive year, and government funding for combating trafficking was severely inadequate.

PRIORITIZED RECOMMENDATIONS:

Increase overall resources to fight all forms of human trafficking and allocate dedicated anti-trafficking budgets for member entities of the multisectoral commission, as called for in law. • Finalize and implement a National Policy Against Trafficking to sustain and strengthen whole-of-government efforts to combat trafficking beyond expiration of the current national action plan. • Increase efforts to prosecute both sex and labor trafficking crimes; convict and punish traffickers, including complicit officials; and apply adequate sentences to convicted traffickers. • Increase funding for comprehensive victim services—to include legal, medical, psychosocial, shelter, case management, educational or vocational—and provide services to more Peruvian and foreign victims. • Increase the availability of services to meet the needs of adult victims, boys, LGBTQI+ individuals, and labor trafficking victims. • Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with the penalties prescribed for other grave crimes, such as rape. • Proactively screen members of

vulnerable groups, including individuals in commercial sex and displaced Venezuelans, for trafficking indicators and refer suspected victims to protection services. • Increase and institutionalize reintegration services for child victims transitioning out of shelter care and other victims who decline or lack access to shelter accommodation. • Dedicate more resources to planning multisectoral, intelligence-driven law enforcement operations that include arrangements for prompt removal of victims to secure locations segregated from traffickers, victim-centered interviews, quick transition to care and shelter for identified victims, and contingency planning to avoid holding victims in police stations. • Strengthen and institutionalize training for police, prosecutors, and judges on enforcing anti-trafficking laws and employing victim-centered trauma-informed procedures. • Ensure all officials apply a definition of trafficking consistent with international law so that all victims exploited in sex or labor trafficking receive access to appropriate justice and protection. • Improve data collection systems to collect and report comprehensive, harmonized, and disaggregated data on anti-trafficking law enforcement and victim protection efforts. • Conduct outreach and prevention programs targeted to at-risk populations, including rural indigenous communities, using culturally appropriate methods and local languages. • Enforce laws against crimes that facilitate trafficking, such as fraudulent job recruitment, recruitment fees, illegal mining and logging, and counterfeit operations.

PROSECUTION

The government maintained prosecution efforts. In March 2021, the government amended the penal code, relocating and renumbering various provisions. Article 129 (previously Article 153) of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for offenses involving adult victims, 12 to 20 years' imprisonment for offenses involving victims between the ages of 14 and 18 years old, and a minimum of 25 years' imprisonment for offenses involving victims younger than the age of 14. These penalties were sufficiently stringent; however, with respect to sex trafficking, these penalties were not commensurate with those prescribed for other serious crimes, such as rape. The law defined trafficking broadly to include all forms of labor exploitation and illegal adoption or child selling without the purpose of exploitation. The penal code also included 15 separate offenses for different forms of exploitation including "forced labor," "slavery and other forms of exploitation," and ten crimes involving sexual exploitation. Officials often

classified trafficking victims and charged trafficking cases under exploitation laws, many of which overlapped significantly with one another and with Article 129 (previously 153). Many officials only applied trafficking statutes to crimes that occurred prior to exploitation. The government continued to introduce the new Criminal Procedure Code in 32 of 34 judicial districts, which allowed authorities to initiate trafficking prosecutions without a victim complaint.

Anti-trafficking police conducted 65 operations in 2020, resulting in 214 detentions in the first three quarters of the year, compared with 186 operations and 364 detentions in 2019 and 158 operations and 423 detentions in 2018. Nearly half the operations were conducted in January and February 2020. At the onset of the pandemic, the government directed police, including anti-trafficking units, to enforce its mitigation and public health measures. The government did not provide adequate personal protective equipment to police, and high rates of sickness and death among police further diminished their capacity to investigate trafficking crimes in 2020. Specialized prosecutors participated in 214 anti-trafficking operations and detained 179 suspects, compared with 252 operations and 209 suspects detained in 2019 and 201 operations and 151 suspects detained in 2018. In 2020, authorities prosecuted at least 44 suspects and convicted 29 traffickers, compared with 67 suspects prosecuted and 55 traffickers convicted in 2019 and 142 suspects prosecuted and 74 traffickers convicted in 2018. Judges issued 15 acquittals. The government did not report sentencing data for convicted traffickers. Courts and prosecutors offices ceased operations for two months between March and May 2020 and operated at reduced capacity for the remainder of the reporting period. Public health measures such as strict restrictions on movement limited prosecutors' access to case files and related documents, which were only available in hard copy, and high infection rates among public officials—including specialized prosecutors—further diminished the government's capacity to prosecute traffickers. The judiciary developed a system to hear cases online, but implementation of this new platform slowed the pace of prosecutions.

The government maintained specialized anti-trafficking police units in all 25 of Peru's regions as well as Metropolitan Lima, and increased the units' ranks from 394 to 448 officers; the size, capacity, and budget of these units varied widely across regions and some regions with a high prevalence of trafficking had few specialized officers. The government allocated 1.5 million soles (\$414,480) to these units, which was insufficient for the needs of training, operations, office

equipment, and technology. The government did not enforce a ministerial resolution requiring anti-trafficking police to remain in their units for at least two years, and frequent turnover among police limited specialized units' effectiveness in investigating trafficking. In 2020, the government hired four prosecutors to open specialized prosecution offices in four additional regions, bringing the total to 39 specialized anti-trafficking prosecutors across 12 regions. NGOs and government officials reported judges often considered recruitment to be an essential element of a trafficking crime; required proof of force, fraud, or coercion for child sex trafficking crimes; or reduced trafficking charges to lesser crimes. In its March 2021 penal code updates, the government created a new section entitled "Crimes Against Human Dignity" to include all forms of trafficking and 15 types of exploitation; local experts reported this change may influence officials to better apply these laws in cases involving psychological coercion rather than physical restraint. The government conducted two weeklong virtual courses on prosecuting trafficking cases for more than 700 participants. In addition, the government partnered with an international organization to deliver in-depth training through certification programs for judges and prosecutors to improve their capacity to implement trafficking laws; in 2020, 49 prosecutors and 111 judges completed six-week and eight-week training programs, respectively. Although several ministries collected data to track their anti-trafficking law enforcement and victim protection efforts, the government lacked a coordinated data collection system, making it difficult for authorities to verify statistics, assess efforts, and respond to trends. Peru's overlapping legal framework further complicated data collection efforts, as authorities often charged trafficking cases as other offenses.

The government acknowledged official complicity in trafficking crimes and corruption at all levels of the Peruvian law enforcement and criminal justice systems hampered efforts to hold traffickers accountable. Police officers, including members of specialized anti-trafficking units, allegedly accepted bribes from traffickers to avoid conducting investigations. The alleged complicity of some police, along with poor communication, bred mistrust between police and prosecutors at both the national and regional levels and undermined the effectiveness of anti-trafficking law enforcement efforts. Although the government did not prosecute or convict any officials for trafficking-related complicity in 2020, authorities opened several investigations of government employees for alleged complicity in trafficking crimes. In December 2020, prosecutors led an operation that resulted in the detention of two anti-trafficking police officers and two other

government officials for providing protection to alleged traffickers and allowing them to operate with impunity. In a high-profile case in October 2020, the government detained seven police officers for involvement in a child sex trafficking operation run by a well-known singer. The case of a former police chief and noncommissioned officer, arrested in 2019 for human trafficking and corruption, remained under investigation.

PROTECTION

The government maintained efforts to identify and protect trafficking victims, although services for some groups remained limited. Specialized anti-trafficking police units identified 640 suspected victims in 2020, compared with 1,054 in 2019 and 1,600 in 2018. These victims included 385 adults (all women) and 255 children (118 girls and 137 boys); 561 were Peruvian and 79 were from other countries. Specialized prosecutors reported identifying 470 victims in 2020; the government provided updated data for victims identified by prosecutors in 2019 (1266) and 2018 (1189). Of these, 411 victims were female and 59 were male; 244 were children and 226 adults; 402 were Peruvian and 68 were from other countries (45 from Venezuela, seven from Ecuador, one from Colombia, one from Bolivia, and 14 from other countries not specified). The government did not report the extent to which victim identification statistics overlapped between police and prosecutors, nor did it collect data on victims identified through other sources. With assistance from an NGO, the government published new identification guidelines for municipal inspectors, healthcare providers, and frontline police officers.

Authorities referred all child victims to the Ministry of Women and Vulnerable Populations (MIMP), which coordinated shelter or family care and provided legal, social service, psychological, and reintegration assistance to victims. MIMP operated specialized units for assisting children in need of special protections, including all child trafficking victims; in 2020, MIMP created six additional specialized units bringing the total to 25 units across all of Peru's regions. These units assisted 223 children (204 Peruvian, 15 Venezuelan, two Ecuadorean, and two Colombian), and authorities referred 96 girls to specialized trafficking victim shelters in 2020, compared with 130 child victims assisted and 114 girls referred to specialized shelters in 2019. MIMP operated seven specialized shelters exclusively for girls exploited in sex trafficking (including some whom authorities classified as sexual exploitation victims) in four regions (Cusco, Lima, Loreto, and Puno); in

total, these facilities could accommodate 130 children. Services and staffing in the shelters were generally robust, with the inclusion of a full-time attorney, medical personnel, and psychologist. At the onset of the pandemic, shelters closed to non-residents, limiting the services available to victims. With support from an international organization, the government made technological improvements to shelters and began offering victims virtual counseling sessions, legal services, and communication with their families through part of the year.

The anti-trafficking law required the government to protect victims by providing temporary lodging, transportation, medical and psychological care, legal assistance, and reintegration assistance; several ministries provided these services to victims, but the government did not wholly fulfill this mandate. The government had an intersectoral protocol for providing protection to trafficking victims and several ministries had internal protocols for victim care, but authorities implemented them unevenly due to insufficient financial and human resources and coordination challenges. The government offered specialized trafficking victim services for girls exploited in sex trafficking, while other victims could access services for victims of gender-based violence or other forms of government and NGO support. MIMP operated 52 residential centers for children that could accommodate child trafficking victims, including boys, but these shelters were not exclusively for human trafficking victims and services in these facilities were lacking. Women could access legal, psychological, and social services—but not overnight accommodation—through MIMP’s nationwide network of Emergency Centers for Women, but the government did not collect data on the number of trafficking victims the centers assisted. The government added 51 new emergency centers in 2020, bringing the total to 446, though they were temporarily closed between March and May 2020 following the onset of the pandemic. Numerous civil society organizations provided assistance to trafficking victims, including two NGOs that were members of the government’s multisectoral commission against trafficking, and approximately 70 private shelters accepted trafficking victims. Adult victims, labor trafficking victims, and male victims had few shelter options, and reports indicated that authorities often denied men other services; there were no shelters that accepted men. The government provided limited access to services for LGBTQI+ victims; authorities frequently discriminated against LGBTQI+ individuals and typically did not admit transgender victims to government shelters. The government acknowledged inequity in service provision to LGBTQI+ victims, particularly transgender children, and sought assistance from an international

organization to develop policies and trainings for service providers on providing comprehensive, specialized services for LGBTQI+ child trafficking victims. Foreign victims were generally eligible for the same services as Peruvian victims, but the government did not specify whether it referred any foreign victims to government shelters. Foreign victims were eligible for temporary and permanent residency status under Peruvian refugee law, but the government did not report whether it granted any trafficking victims residency during the year.

Criminal justice officials often did not employ victim-centered methods and at times they conducted anti-trafficking operations without adequate resources, such as vehicles to transport victims or safe places to screen potential victims, isolate them from suspects, and provide immediate care. The Public Ministry's Victim and Witness Assistance Unit (UDAVIT) provided short-term care for 529 victims and coordinated referrals to other service providers immediately following some law enforcement operations; in comparison, UDAVIT assisted 920 victims during the previous reporting period. NGOs reported insufficient funding and a lack of training on victim-centered methods limited UDAVIT's capacity to provide consistent, high-quality care to victims. Local experts reported UDAVIT sometimes made services contingent on victims providing statements to investigators. Police and prosecutors did not effectively identify indicators of trafficking among women in commercial sex, and officials did not effectively distinguish between victims of trafficking and similar crimes – leaving some victims unidentified and without access to comprehensive trafficking victim services. Victim services were not immediately available following law enforcement operations on nights and weekends.

UDAVIT operated 23 emergency spaces that could provide short-term accommodation to women and children who were participating in investigations and prosecutions. The government assigned victims a legal advocate from the Ministry of Justice and Human Rights, to safeguard their legal rights and guide them through the legal system, after authorities initiated a prosecution. The government had 336 legal advocates, including nine that specialized in trafficking. LGBTQI+ individuals experienced discrimination from law enforcement and were often re-victimized during the criminal justice process. Some victims provided statements through interviews in secure Gesell chambers, and authorities developed a system to adapt the protection measures provided by Gesell chambers to online platforms during virtual proceedings. A lack of incentives to participate

in investigations and limited access to practical services, such as alternative livelihood development, led many adult victims to decline government services. Officials cited the lack of adequate protective services as a key impediment to their ability to effectively combat trafficking in Peru, and insufficient services left some groups at high risk of re-trafficking.

March 2021 updates to the penal code established minimum criteria a judge should consider when awarding compensation to trafficking victims and granted authority for the government to confiscate a trafficker's property to fulfill payment obligations. However, the government did not report whether any courts ordered or victims received compensation in 2020. The government reported assisting foreign trafficking victims to remove fines or other penalties they may have incurred from undocumented entry; however, due to inadequate victim identification procedures, authorities may have fined or penalized some unidentified trafficking victims for unlawful acts traffickers compelled them to commit. At times, authorities placed child victims in police stations among children apprehended for crimes, where victims faced conditions similar to detention while waiting for referral to shelter.

PREVENTION

The government maintained prevention efforts. The government's multisectoral commission against trafficking, led by the Ministry of Interior (MOI) and comprised of 13 government agencies and two NGOs, continued to coordinate implementation of the national action plan against human trafficking, in effect through 2021. The commission drafted a National Policy Against Human Trafficking, but did not submit the final draft for congressional approval during the reporting period. Pandemic-mitigation measures and political instability limited the capacity of the multisectoral commission to effectively coordinate activities during the reporting period. The government did not submit an annually-mandated report to congress on its progress toward implementation of the national action plan, due each September. The government allocated a specific line-item budget of 2.35 million soles (\$649,350) to the MOI for anti-trafficking efforts in 2020, a significant decrease from approximately 4 million soles (\$1.11 million) allocated in 2019 and other ministries funded anti-trafficking activities through their general budgets. A 2019 law required the commission to prepare, and the Ministry of Economy and Finance (MEF) to prioritize, a multisectoral budget request that included dedicated anti-trafficking budgets for member entities of the multisectoral commission; MOI submitted this request to MEF in January 2020, but MEF did

not approve it during the reporting period. Officials reported inadequate funding hindered their ability to effectively combat human trafficking, especially victim protection efforts.

The government had a separate commission, inter-ministerial protocol, and national plan for combating forced labor and child labor. Labor inspectors had a mandate to monitor employment agencies for compliance with regulations against charging workers recruitment fees or retaining workers' identity documents or personal items, and the government reported labor inspectors referred cases of fraudulent recruitment to specialized anti-trafficking prosecutors. However, the government did not report whether it took enforcement action against employment agencies for any of these practices during the reporting period. The government maintained labor inspection units that specialized in forced and child labor; in 2020, these units participated in at least one joint operation with specialized anti-trafficking police that led to identification of trafficking victims. In October 2020, Peru's congress approved legislation granting domestic workers basic employment rights and legal protections—such as minimum wage and maximum working hours—equivalent to those of other workers, decreasing their vulnerability to exploitation. Under an agreement with the Cuban government, the Peruvian Ministry of Health committed to paying a \$2,000 monthly stipend to each member of a Cuban medical mission working in Peru between June and December; the direct payments to personnel may have decreased their vulnerability to being exploited in forced labor by the Cuban government.

The government operated two 24-hour telephone hotlines for the public to report suspected cases of trafficking, though they could only accommodate Spanish speakers. In response to an increase in calls from the public during the pandemic, MOI increased funding for one of the lines and trained 85 percent of its operators during the reporting period. With support from an NGO, MIMP produced and published online a guide for children to recognize the risks of human trafficking during the pandemic. In June 2020, the government partnered with civil society organizations to deliver a three day virtual training to 44 journalists from across the country to improve their knowledge and strengthen methods for covering trafficking. The MOI conducted two digital awareness campaigns to provide information on trafficking, reaching 400 community leaders, parents, and students in Lima and a nearby city, and it organized a digital campaign to raise awareness among children of the risks of exploitation through online platforms. National and

regional authorities participated in a nationwide multi-platform media campaign run by an international organization, aimed at influencing public opinion to reduce social tolerance of trafficking.

The government made strong efforts to issue national identity documents to all Peruvian citizens, including through programs designed to reach remote, indigenous communities where trafficking risks were high; the pandemic slowed these efforts during the reporting period. The government did not permit transgender individuals to change their gender on identity documents; this lack of access to accurate documentation increased their vulnerability to exploitation. The government did not report efforts to prevent child sex tourism, although border closures and travel restrictions in response to the pandemic halted tourism for much of the year. The government conducted law enforcement operations and made arrests for illegal mining and logging, crimes which fueled the demand for sex and labor trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Peru, and traffickers exploit victims from Peru abroad. Traffickers exploit Peruvian and foreign women and girls, and to a lesser extent boys, in sex trafficking within the country; traffickers increasingly recruit victims through social media platforms, often through false employment offers or deceptive romantic relationships. Traffickers lure Peruvian, Venezuelan, and Bolivian women and girls to remote communities near mining and logging operations through false promises of lucrative employment opportunities and exploit them in sex trafficking after arrival. Tourists from the United States and Europe purchase sex from child trafficking victims in areas such as Cusco, Lima, and the Peruvian Amazon. In the Loreto region, criminal groups facilitate transportation of foreign tourists by boat to remote locations where traffickers exploit women and children in sex trafficking in venues on the Amazon River. Traffickers exploit Peruvian and foreign adults and children in forced labor in the country, principally in illegal and legal gold mining and related activities, logging, agriculture, brick-making, unregistered factories, counterfeit operations, organized street begging, and domestic service. Traffickers subject Peruvians to forced labor in gold mines and service jobs in nearby makeshift camps; traffickers compel victims through deceptive recruitment, debt-based coercion, isolation and restricted freedom of movement, withholding of or non-payment of wages, and threats and

use of physical violence. Traffickers subject children to forced labor in begging, street vending, domestic service, cocaine production and transportation, and other criminal activities. Remaining members of the narcoterrorist organization Shining Path use force and coercion to subject children and adults to forced labor in agriculture, cultivating or transporting illicit narcotics, and domestic servitude, as well as to carry out terrorist activities, and at times recruit children using force and coercion to serve as combatants or guards.

Indigenous Peruvians, many of whom live in remote areas with limited access to government services, are particularly vulnerable to trafficking. LGBTQI+ Peruvians are vulnerable to trafficking, including re-exploitation; transgender women and girls also lack access to accurate documentation and are at particularly high risk. Since 2016, more than 1,000,000 Venezuelans fleeing the humanitarian crisis in their country have entered Peru; Venezuelan adults and children are vulnerable to sex and labor trafficking—often lured through false employment offers—en route to or after arrival in Peru. Among the 85 Cuban medical professionals the government contracted to assist during the pandemic, some may have been forced to work by the Cuban government. The pandemic's negative impact on economic opportunity exacerbated existing risks among vulnerable communities and led to an increased number of individuals vulnerable to trafficking. Pandemic-mitigation measures increased risks among children who were not able to leave their homes or attend school for much of the year, especially LGBTQI+ children or others who ultimately fled abusive or difficult situations in their homes. Local experts report an increase in online sexual exploitation of children, in which traffickers sexually exploit children in live internet broadcasts in exchange for compensation. Illicit activity, including sex and labor trafficking, is common in regions of the country with limited permanent government presence, including remote mining and logging areas and the Valley of the Apurímac, Ene, and Mantaro Rivers (VRAEM). Illegal mining and logging operations fuel the demand for sex and labor trafficking in Peru.

Traffickers exploit Peruvian women and children in sex trafficking in other countries, particularly within South America. Also, they exploit women and girls from neighboring countries in Peru. NGOs and foreign authorities report traffickers exploit transgender Peruvians in sex trafficking in Argentina, Italy, and Sweden. Traffickers subject Peruvian adults and children to forced labor in other South American countries, the United States, and other countries. NGOs and government

officials reported that official complicity in trafficking crimes and widespread corruption in Peruvian law enforcement and judicial systems continue to hamper anti-trafficking efforts.